



LAPORTE COUNTY BOARD OF ZONING APPEALS

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ANNEMARIE POLAN
Building Commissioner

March 18, 2014

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, March 18, 2014, at 6:00 p.m. in the Assembly Room of the County Complex.

MEMBERS PRESENT: Glen Minich Wally Pritz
 Candice Nelson Melissa Mullins Mischke
 Dwayne Hogan

OTHERS PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege and
Darlene Pavey, Secretary

Pledge of Allegiance.

Dwayne Hogan asked for a Motion for approval of the meeting minutes from February 18, 2014.

Melissa Mullins Mischke made Motion to approve the meeting minutes as presented.
Wally Pritz seconded.

Dwayne Hogan asked if there are any questions, comments, or concerns.

All approved. Motion carried 5-0.

- 1. The Petition for Thomas A. Cullen** to construct a detached garage on a corner lot with less than the required setbacks from front, side and rear. This property is located at 7691 N. South Bend Blvd., New Carlisle, Hudson Twp., zoned R1B.

Dwayne Hogan said that he understands that he has asked for a postponement until next month.

Annemarie Polan, Building Commissioner stated yes.

Dwayne Hogan said that this will be postponed until April 15, 2016 at 6:00 p.m.

Dwayne Hogan asked if there is any other business before the BZA this evening.

3-18-2014 BZA Minutes

Attorney Biege said that as you may know there has been some discussion with regard to a new rule requiring a sign or placard placement on properties under which a petition is subject in a future hearing. Attorney Biege said that he has prepared a proposed rule and a proposed placard, subject to change in discussion of the Board. Attorney Biege said secondly, in working they noticed some revisions and updates, which they would suggest that we do to our website, not only with language, but also petitions. Attorney Biege that no action is mandatory, but he simply prepared something and it's just a suggestion that his office has to perhaps improve our website.

Dwayne Hogan asked if there are any comments from the Board.

Glen Minich said that we have had a lot of discussion about this signage issue. Glen said that he still thinks that it's a good idea; he thinks that everybody should voice their opinion on the Board about what they think. Glen said that he thought that Doug wrote it up pretty well and he doesn't see there would be very many adverse reasons not to. Glen said that we do have a hard time finding these sites.

Annemarie Polan asked Glen if he would have found that placard in the window.

Glen Minich said that when he does find it in the window, and if he does find it in the window, he's going to know that he's at the right site rather than just guess this must be it. Glen said that we have a terrible problem with people posting their addresses on their homes and we always address that when they come to the Board.

Glen Minich told Annemarie that she has all her building permits up for all the building that is being done and he sees those; they're fairly apparent when he drives around; they are brightly colored; they're to be visibly put in the window. Glen said that he would hope that we would see a large percentage of them.

Annemarie Polan, Building Commissioner, said that if you guys are going to discuss it and you want to go with it, there is a question to ask Doug about if the card isn't displayed; they have still been notified by State Statute the way they're suppose to; what happens if a remonstrator shows up and said, well I didn't see the card posted and the petitioner said it was posted. Annemarie said that then it's a he said she said, or maybe it wasn't posted the whole ten (10) days.

Glen Minich said that a lot of us do visit the sites; we don't see every single site, but he thinks between all the Board members that we should be able to visually say it was there. Glen said that he would like a ten (10) day rule, but he guesses if there is any way we could have a variation on it, that would be good.

Attorney Biege said that his impression is one of the main motivations for the placard of the Signs is to assist the Board members in locating the subject property, more so than providing notice. Attorney Biege said that if that's the case, he would like to take another look at

this rule – we may not have an enforcement provision, but your point is well taken Anne. Indiana Code already sets out that notice requirements to adjoining property owners and publication. Attorney Biege said that if our main point of the placard is to assist the Board members in locating their property, you don't necessarily have to have an enforcement mechanism there and that will alleviate his concerns with regards to a constitutional challenge.

Attorney Biege said that we can simply change the language and we can make a requirement of the Board that the placard be placed, or the matter will not be heard and he can put some explanatory language in this in that the purpose of the placard is to assist the Board members in locating the subject real estate. Attorney Biege said that would perhaps alleviate a couple of concerns and you wouldn't have to worry about any enforcement necessarily, because if a Board member can't find the property because the placard is not on there, then we would have to table it until the Board member would have an opportunity to drive by the property. Attorney Biege said that would be a reason other than legal notice requirements, which are already set forth in the code.

Dwayne Hogan said that is a very good point.

Melissa Mullins Mischke said that in her opinion, the primary reason for doing it was to help us find the location. Melissa said notification to the adjoining property owners is certainly the law and we're going to do it, but she thinks that there are a lot of interested neighbors that if they knew there was a variance that was applied for, that they might show up at meetings and remonstrator however they felt if they knew something was going on with the property as well. Melissa said to her it was a secondary byproduct of: a) we're going to look for it, and b) its going to help the neighborhood feel out how they feel about the variance.

Glen Minich said that he thinks that is a good point. Glen said that it gives us all the information; he always says information is good and then we can make an informed decision.

Annemarie Polan, Building Commissioner, said that she feels better about that, because at first she thought that it was something more that you guys wanted for notification and Annemarie said that we have that in place and it works. Annemarie said that the right people are being notified. Annemarie said that she thought we were doing over kill here; that was her first impression plus all the complaints that we get at the office. Annemarie said that it is sixty (60) to seventy (70) percent are neighborhood feuds and complaints. Annemarie said that is a lot and she feels better about doing it this way.

Melissa Mullins Mischke asked attorney Biege if he would want to re-word the language on it and present it to us again.

Attorney Biege said let him alter the resolution and change the language with the main intent not to be notice, but to be assistance with the Board members locating the property.

Candice Nelson asked what you are going to do if you have vacant land.

Annemarie Polan, Building Commissioner, said that maybe they can get it laminated and nail it to a tree, or whatever is there.

Glen Minich said that he just recently got a permit and you put it in a plastic container, seal it up, and tape it to a post – a mailbox – anything – it's only going to last ten days to two weeks.

Dwayne Hogan asked if there are any other comments on this.

Attorney Biege said that the Board members have done an outstanding job on having discussion to an absolutely empty room.

Dwayne Hogan said that's for our friends on tv.

Dwayne Hogan asked if there is any other business before the BZA this evening.

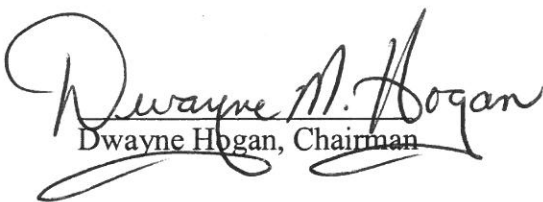
Attorney Biege said that we have the website and he would like to put that on there because he wants to alter the language that he has in that in relation to the sign.

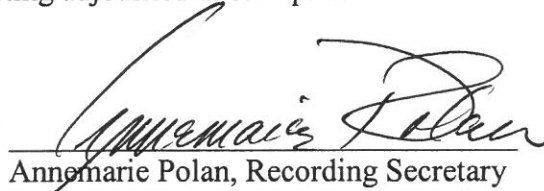
Dwayne Hogan asked for a Motion for adjournment.

Melissa Mullins Mischke made a Motion to adjourn. Candice Nelson seconded.

All approved. Motion carried 5-0.

There being no further business, meeting adjourned at 6:11 p.m.


Dwayne Hogan, Chairman


Annemarie Polan, Recording Secretary